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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 28 AM 9:41

UNITED STATES OF AMERICA, Plaintiff, v. **Crecencio PADILLA-Bautista,** Defendant	Magistrate Docket No. '07 MJ 2996 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 26, 2007** within the Southern District of California, defendant, **Crecencio PADILLA-Bautista,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **December 2007**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Crecencio PADILLA-Bautista

PROBABLE CAUSE STATEMENT

On Wednesday December 26, 2007, Border Patrol Agent A. Reyes, was performing linewatch duties near Campo, California. At approximately 11:30 A.M. Agent Reyes observed a group of suspected undocumented aliens approximately 50 yards north of the international border with Mexico traveling north along an area known as Zuellner's Gulley. This area is approximately 7 miles east of the port of entry at Tecate, California. Agent Reyes made his way to the last known location of the group and found their footprints. Agent Reyes followed the footprints for about fifteen minutes before locating a group of people hiding near State Route 94.

Agent Reyes identified himself as a Border Patrol Agent and questioned the group as to their immigration status. All of them, including one later identified as the defendant **Crecencio PADILLA-Bautista**, admitted to being citizens and nationals of Mexico illegally present in the United States. All were placed under arrest and transported to the Border Patrol Processing Facility at Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **December 12, 2007.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.